

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 13-187V
(Not to be published)

LINDA JEANETTE DRIVER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Filed: March 10, 2014

Decision; Unopposed Application for
Attorneys' Fees & Costs

Douglas L. Burdette, Seattle, WA, for Petitioner

Alexis B. Babcock, Washington, DC, for Respondent

ATTORNEYS' FEES AND COSTS DECISION¹

On March 12, 2013, Petitioner filed a petition seeking compensation under the National Vaccine Injury Compensation Program. On June 12, 2013, after Respondent filed a Rule 4(c) report conceding entitlement, the previous special master presiding over this case issued a ruling finding Petitioner had established that she was entitled to compensation for her injuries. On February 28, 2014, Respondent filed a proffer, agreed to by both parties, detailing an amount to be awarded to Petitioner. On March 4, 2014, I issued a decision finding the proffer to be

¹ Because this decision contains a reasoned explanation for my action in this case, I will post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published decision's inclusion of certain kinds of confidential information. To do so, Vaccine Rule 18(b) permit each party 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the decision will be available to the public. Id.

reasonable and granting Petitioner the award outlined therein.

On March 7, 2014, Petitioner filed an unopposed application for attorneys' fees and costs. In that application, Petitioner indicated that Respondent's counsel had been contacted prior to the motion's filing and did not object to the amount of fees and costs requested. Petitioner's application requested that Petitioner's counsel receive a lump sum of \$8,804.76. In accordance with General Order #9, the application also includes a statement that Petitioner has incurred no reimbursable costs in pursuit of his claim.

In light of Respondent's lack of objections, and based upon my own review of the application, I approve the requested amount for attorneys' fees and costs as reasonable. Accordingly, an award should be made in the form of a check jointly payable to Petitioner and Petitioner's counsel, Douglas Lee Burdette, in the amount of \$8,804.76. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.